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Department of Environmental Protection

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This is in response to the request for comment on the report *Implementing Product Stewardship in Maine* *http://www.maine.gov/dep/rwm/publications/legislativereports/pdf/2011psreportfinal.pdf*

In general there are a number of assumptions that do not appear substantiated. In addition, there are significant errors, one of which I will focus on.

On page 12, the assertion that Maine is "**Number One**" in the country for prescription drug crime, is incorrect. As the author of several presentations in the past, based on the actual NDIC data which is used as the reference to this assertion, it is simply an erroneous reading of the reports. The NDIC NDTS reports on perception not actual crime rates, the latter which may be obtained from the US DOJ, or the Maine Department of Public Safety. Holding this erroneous assertion out as the first justification for a public safety concern raises questions about a number of other assertions elsewhere throughout the document.

On page 15, the header "A product stewardship program for the product will increase the recovery of materials for reuse and recycling." contradicts the very next sentence that asserts that "unwanted pharmaceuticals cannot be reused." Clearly on at least criteria "B," pharmaceuticals differ from other products. It should be made more explicit in this section that pharmaceutical

waste fails to meet Criterion B for being considered a candidate for product stewardship.

Further on the page, the reference to drug return programs in the state neglects to mention the unique police pick-up program that exists in Caribou, Maine.

On the following page (page 16) the statement that "voluntary programs are expensive" seems to confuse cost with modality of payment.

The Maine mail-back program has been successful, in the eyes of both the US EPA and the US Postal Service, and considered by some to serve as a model for national adoption. The US Senate has requested testimony for the legislation which has been signed by the President and is currently in rule making with a public hearing scheduled for January 19-20, 2011 in Washington DC. To neglect the impact of this federal law and rule making throughout the pharmaceutical section of this report is incomprehensible as it will inform overarching regulatory guidance on what will or will not be acceptable. In addition, the potential for other funding mechanisms may well be enabled.

A patchwork of state-specific programs instituted across the country will be unwieldy and confusing as a process to the public. It is best that there be a pause or a shift in focus until federal guidance is issued. The report should be withdrawn and redrafted in the light of both clearly identifiable errors and neglect of federal action.

Respectfully,

Stevan Gressitt, M.D.

Founding Director

International Institute for Pharmaceutical Safety

Attachments:

1. US Senate verbal Testimony on S 3397
2. US Senate written testimony on S 3397
3. Final US EPA Grant report on *CH-83336001-0*
4. Preliminary testimony to US DEA on S 3397
5. Final written testimony to US DEA on S 3397